



K&L GATES LLP  
ONE NEWARK CENTER  
TENTH FLOOR  
NEWARK, NJ 07102  
T 973.848.4000 F 973.848.4001 [klgates.com](http://klgates.com)

Michael E. Waller, Esq.  
O: 973.848.4132  
F: 973.848.4001  
[michael.waller@klgates.com](mailto:michael.waller@klgates.com)

October 20, 2015

**By Electronic Filing & Facsimile**  
(973)-297-4906

Hon. Madeline Cox Arleo, U.S.D.J.  
Martin Luther King Courthouse  
50 Walnut Street  
Newark, NJ 07102

Re: Midnite Air Corp. etc. v. Durbek Yaminov & Axis Global Logistics HQ,  
Civil Action No. 15-7197

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Dear Judge Cox Arleo:

We represent Axis Global Logistics ("Axis") and Durbek Yaminov ("Yaminov") in the matter of *Midnite Air Corp. (d/b/a/ MNX Global Logistics) v. Durbek Yaminov and Axis Global Logistics HQ*, Civil Case number 2:33-av-00001.

Midnight filed its Complaint in this matter on September 30, 2015. Defendant Axis was served with the Complaint on October 9, 2015. To date Defendant Yaminov has not been served.

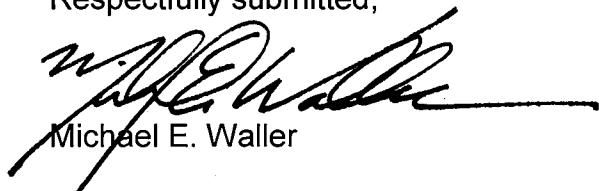
On October 7, 2015 Midnite Air Corp. ("Midnight") sought an Ex Parte Application for Emergency Relief. See Dkt. No. 4. That application was denied for failing to comply with Federal Rule of Civil Procedure 65(b)(1) and L. Civ. 65.1(a). See Dkt. No 5. Your Honor further ordered that no renewed application may be filed absent proof of service of the complaint and all papers supporting a temporary restraining order upon all adverse parties. *Id.*

On October 9, 2015 Axis then filed a Motion for a Preliminary Injunction ("Motion") with a return date of November 2, 2015. See Dkt. No 8. Midnight placed the Motion in the mail to Defendant Yaminov, which he only received on October 16, 2015. Notably the copy of the Motion that Defendant Yaminov received was marked "courtesy copy." To date, Defendant Axis has yet to receive the Motion.

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In light of Midnite's failure to properly serve both Defendants with the Complaint and the Motion, Defendants answers cannot be due on October 30, 2015 and the Motion cannot properly be heard on November 2, 2015. To resolve all of the service errors, Defendants are willing to accept service of the Complaints and the Motions if the Court will order that the return date for the Motions be adjourned until at least December 7, 2015, and that the Answers be due on November 30, 2015.

Respectfully submitted,



Michael E. Waller

cc: Charles P. Guarino, Esquire (by email and overnight mail)